

EXHIBIT 1

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: ZIMMER NexGen KNEE IMPLANT
PRODUCTS LIABILITY LITIGATION**

Christy Beerbaur v. Zimmer Inc., et al.,)
W.D. Missouri, C.A. No. 4:12-00009)

MDL No. 2272

ORDER VACATING CONDITIONAL TRANSFER ORDER

Before the Panel:* Pursuant to Rule 7.1, defendant Zimmer entities¹ (Zimmer) move to vacate our order conditionally transferring this action (*Beerbaur*) to MDL No. 2272. The *Beerbaur* plaintiff did not submit a response to Zimmer's motion.

After considering all argument of counsel, we conclude that inclusion of *Beerbaur* in MDL No. 2272 would not necessarily serve the convenience of the parties and witnesses or promote the just and efficient conduct of the litigation at the present time. The record indicates that *Beerbaur* involves a Zimmer knee replacement component outside the defined scope of the MDL – specifically, a non-“flex” or standard NexGen Legacy Posterior Stabilized (LPS) femoral component. As Zimmer correctly notes, the briefing and oral argument with respect to the initial Section 1407 motion focused on two types of products from the NexGen System – the NexGen flex femoral components and the NexGen MIS Tibial component. *See In re: Zimmer NexGen Knee Implant Prods. Liab. Litig.*, 802 F. Supp. 2d 1374, 1376 (J.P.M.L. 2011) (identifying the components at issue as “Zimmer's “high-flex” [NexGen] femoral components (*i.e.*, the Cruciate Retaining (CR) and Legacy Posterior Stabilized (LPS) components, and the “Gender Solutions” versions thereof) and/or the MIS Tibial component”).

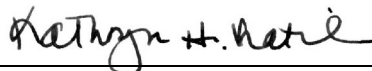
* Judge John G. Heyburn II took no part in the decision of this matter.

¹ Zimmer, Inc., Zimmer Holdings, Inc., and Zimmer Surgical, Inc., f/k/a Zimmer Orthopaedic Surgical Products, Inc.

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IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-32" is vacated insofar as it relates to this action.

PANEL ON MULTIDISTRICT LITIGATION



Kathryn H. Vratil
Acting Chairman

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